



DAC  
JRW

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: Hissink, et al. Examiner: Unassigned  
Serial No.: 10/521,126 Art Unit: Unassigned  
Confirm. No.: 6484 Docket: 294-207 PCT/US  
Filed: January 12, 2005 Dated: July 6, 2006  
For: BIODEGRADABLE PHASE  
SEPARATED SEGMENTED MULTI  
BLOCK CO-POLYMERS

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

*I hereby certify this correspondence is being deposited with the United States Postal Service as first class mail, postpaid in an envelope, addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on July 6, 2006.*

Signed: Kevin E. McDermott

**DECLARATION OF KEVIN E. McDERMOTT**  
**IN SUPPORT OF APPLICANTS' PETITION TO THE DIRECTOR**  
**UNDER 37 C.F.R. 1.181(a) TO WITHDRAW THE HOLDING OF ABANDONMENT**

Sir:

I Kevin E. McDermott hereby declare and state as follows:

1. I am registered to practice in the United States Patent Office. My Registration Number is 35,946.
2. I am duly admitted to practice as an attorney and counselor in the courts of the State of New York since 1989 and in the courts of the State of Connecticut since 1990.

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3. I have been an attorney with the law firm of Hoffmann and Baron, LLP for more than eight years and I am familiar with the docketing system used by the firm and the manner in which incoming mail is received and documented.

4. I am familiar with the file history of patent application Serial No. 10/521,126 (hereinafter referred to as "the present application") and the circumstances relating to the Applicants' discovery that the application had become abandoned.

5. On June 9, 2006, a facsimile was received in the offices of Hoffmann & Baron, LLP from Vereenigde, our foreign associates who represent the Applicants, requesting a copy of the Filing Receipt for the present application. A copy of the facsimile is attached hereto as Exhibit A.

6. Prompted by the facsimile from our foreign associates, I obtained the file for the present application from the firm's file room and searched it for the Filing Receipt and any other communications from the Patent Office. I found that the file did not contain a Filing Receipt, nor did it contain a Notification of Missing Requirements. Moreover, the file did not contain any communications from the Patent Office.

7. On June 15, 2006, I telephoned the PCT Help Desk and spoke to Examiner Richard Ross about the status of the present application. Examiner Ross informed me that the Patent Office database showed that a Notification of Missing Requirements had been mailed on July 14, 2005 but no response had been received and the application had gone abandoned.

Examiner Ross stated that the file was not available at that time and he would contact me when it became available. I telephone Examiner Ross again on June 20, 2006 and he said that the file still was not available.

8. On June 27, 2006, I received a telephone call from Examiner Ross and he said that he had obtained the file for the present application and that he would send me by facsimile a copy of the Notification of Missing Requirements that had been mailed on July 14, 2005. Attached as Exhibit B is a copy of the facsimile.

9. Upon receipt of the facsimile from Examiner Ross, I contacted the person in our firm responsible for maintaining a log of all incoming mail and obtained a copy of the mail log for the period from July 14, 2005 through July 25, 2005. These logs show that the Notification of Missing Requirements was not received by our firm during this period. Copies of the daily logs for these dates are attached as Exhibit C.

10. After receiving the facsimile from Examiner Ross, I also contacted our docketing department and obtained a copy of the docket record for September 14, 2005. (The Notification of Missing Requirements set a two-month time period for responding and, therefore, the response would have been due on September 14, 2005.) The non-received Notification of Missing Requirements would have been entered for response by September 14, 2005 had it been received and docketed by our docketing department. A copy of the docket sheet for responses due on September 14, 2005 is attached as Exhibit D. The Response to the Notification of

**Application Serial No. 10/521,126**  
**Declaration of Kevin E. McDermott In Support Of**  
**Petition to Revive Abandoned Application**

**Docket No. 294-207 PCT/US**

Missing Requirements is not listed on the docket sheet for September 14, 2005. Accordingly, the firm's docket records indicate that the Notification of Missing Requirements was not received.

11. I hereby declare that all statements made herein are of my own knowledge and are true, and that all statements made on information and belief are believed to be true; and further that the statements have been made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of any patent issuing on the present invention.

Dated: July 6, 2006



\_\_\_\_\_  
Kevin E. McDermott  
Registration No. 35,946

223744\_1

VEREENIGDE

Hoffmann & Baron, LLP  
6900 Jericho Turnpike  
Syosset, New York 11791  
USA

JUN 15 2006

Confirmation Copy

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Your ref. 294-207 PCT/US  
Our ref. KB/P59948US00

Den Haag,  
June 8, 2006

FACSIMILE TRANSMISSION +1 516 822 3582

Re.: U.S. patent application No. ??  
of Innocore Technologies B.V.

Dear Sirs,

Please send us, in the above mentioned patent application, a copy of the filing receipt at your earliest convenience.

Yours faithfully,  
VEREENIGDE

*H. Biharie*

Records Department

A007



PCT Help Desk  
United States Patent and Trademark Office  
Mail Stop PCT  
P.O. Box 1450  
Alexandria, VA 22313-1450  
Telephone: (571) 272-4300  
Facsimile: (571) 273-0419

JUN 27 2006  
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## Facsimile Cover Sheet

To:	Kevin McDermott		
Fax:	516-822-3582		
Phone:			
Re:	10/521,126		
From:	Richard Ross		
Pages:	3		
Date:	6/27/06		
CC:			

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Copy of previously mailed Form PCT/DO/EO/905,  
per your request


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[www.uspto.gov](http://www.uspto.gov)

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/521,126	Catharina Everdina Hissink	294-207 PCT/US
INTERNATIONAL APPLICATION NO.		
PCT/NL03/00519		
LA. FILING DATE	PRIORITY DATE	
07/16/2003	07/16/2002	

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**CONFIRMATION NO. 6484**  
**371 FORMALITIES LETTER**  
  
 \*OC000000016489846\*

Date Mailed: 07/14/2005

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 01/12/2005
- Copy of the International Search Report filed on 01/12/2005
- Copy of IPE Report filed on 01/12/2005
- Preliminary Amendments filed on 01/12/2005
- Information Disclosure Statements filed on 04/18/2005
- U.S. Basic National Fees filed on 01/12/2005
- Priority Documents filed on 01/12/2005

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- \$130 Surcharge for providing the oath or declaration later than 30 months from the priority date (37 CFR 1.492(e)) is required.

**SUMMARY OF FEES DUE:**

Total additional fees required for this application is \$130 for a Large Entity:

- \$130 Late oath or declaration Surcharge.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice MUST be returned with the response.*

TERRY M JOHNSON VESSELS

---

Telephone: (703) 308-9140 EXT 221

PART 2 - OFFICE COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/521,126	PCT/NL03/00519	294-207 PCT/US

FORM PCT/DO/EO/905 (371 Formalities Notice)

INCOMING MAILDate: 7/14/05Page 1 of 1

Docket No.	Attn'y	File Drawer	Typing Table	Attn'y Office	Return To
117-175	RGS	/			
117-167	RGS	/			
117-169	RGS	/			
163-44 EPO	Daniel CJ RGS	/			
178-263 PCT CANADA	RGS	/			
369-74 PCT CHINA		/			
369-123 C.P.T.II/PCT/CANADA	RGS	/			
369-185 EPO	RGS	/			
442-186 PCT/W	AEK/Kimmy	/			
442-203 PCT/W		/			
717-374 CPT/CIP/CN	Vicria BED	/	/		
744-45P		/			
753-46 PCT/CN		/			
103F-18		/			
1120-20		X			
1181-23 PCT/W	WT	/	/		
1270-2		/			
1421-71P		/			
1480-4	Barry RGS	/			
294-0		/			
117-190	RGS	/			

INCOMING MAILDate: 7/15/05Page 1 of 2

Docket No.	Attn'Y	File Drawer	Typing Table	Attn'Y Office	Return To
178-327		✓			
187-76		✓			
294-193 PCTGS		✓			
294-205 ADGS		✓			
392-49 PCDS		✓			
442-125		✓			
442-207 (+2)		✓			
442-226 PCDS		✓			
498-282 (700-95)		✓			
500-225 PCT		✓			
577-520 CON		✓			
577-593		X			
577-714 PCT		✓			
717-961 PURCHAS		✓			
753-38 PCDS - 669-89 CIP		✓			
760-129 DIV/CIP/CON II		✓			
903-98 PCDS		✓			
903-123 PCDS		✓			
1093-96 ADGS	KEM 276 CSP	—		✓	
1119-9 PCT		—			✓
1336-2G		✓			
1336-31		✓			

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Docket No.	Attn'y	File Drawer	Typing Table	Attn'y Office	Return To
178-28 BELGIUM	INVOICE	—			
178-28 FRANCE		—			
178-28 GERMANY		—			
178-28 IRELAND		—			
178-28 LUXEMBOURG		—			
178-28 MATERLIAIS		—			
178-28 SWEDEN		—			
178-28 U.K.		—			
178-28 EPO		—			
178-28 EPO/SPAIN		—			
178-72 U.K.		—			
165-76	BKD	✓			
136-26 PC/ RUSSIAN FEDERATION		—			
136-27 CIP/PC/NORWAY		✓			
163-42 EPO		—			
163-49 EPO		—			
178-118 LUXEMBOURG		✓			
178-138 CIP/SPAIN		—			
178-179 CIP/PC/S. KOREA	(SAS)	—		—	
178-210 PC/EPO	(EIG)	—		—	
178-246 PC/EPO/FRANCE		✓			
178-246 PC/EPO/SPAIN		✓			

INCOMING MAILDate: 7/18/01Page 8 of 3

Docket No	Attn' y	File Drawer	Typing Table	Attn' y Office	Return To
17F-293 PATENT	(Recd 32)	/		/	
17F-314		/			
17F-329		/			
184-2 KOREA	CL	/			
294-39 FWC		/			
294-39 FAC/DIV		/			
294-90 PAT/US/CON		/			
294-94 PAT/US/CON		(✓)			
294-142 CIP		/			
294-142 CIP/DIV	(RCM)	/	/		
294-195 PAT/US		/			
294-209 PAT/US		/			
369-123 CIP III/PAT/BRAZIL		/			
369-178 NEW ZEALAND		/			
442-42		/			
442-195		/			
454-3 PATENT	(SAS)	/		/	
577-522 CANADA	(KEM)	/		/	
577-623 DIV		/			
578-5		/			
673-28	(SJS)	/		/	
669-124	WT	/			

INCOMING MAILDate: 7/18/15Page 3 of 3

Docket No.	Attn'y	File Drawer	Typing Table	Attn'y Office	Return To
717-921	CATK Kem	-		✓	
753-11 PCTUS/CON		✓			
753-39 PCTUS <sup>15M-2 PCTUS</sup> (X2)		✓			
760-75 DIV		✓			
760-105 DIV/CON/REG/CON		✓			
760-194		✓			
1040-55		✓			
1093-38 PCTUS	Kem	✓			
1093-48 PCTUS		✓			
1093-105 PCTUS		✓			
1093-114 PCTUS		✓			
1093-117 PCTUS		✓			
1119-11 CIP II		✓			
1181-28	no	✓			
1209-31		✓			
1209-49		✓			
1285-11 PCTUS		✓			
1336-47	ATK	✓			
1440-3	STZ <sup>con</sup>	-	✓		
1457-2 PCTUS		✓			

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Date: 7/19/05

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Docket No.	Attn'y	File Drawer	Typing Table	Attn'y Office	Return To
117-115		✓			
120-83		✓			
163-51	1442-215	✓			
178-298 DIV II	(PCM)	—		—	
187-91		✓			
212-11		✓			
278-50		✓			
331-35		✓			
369-136 Taiwan		✓			
408-42		X			
442-108 PC76s		✓			
442-231		✓			
498-53 con	1760-114	✓			
498-268 PT	1760-74 PT	✓			
498-279 PT		✓			
512-115	PCM	✓			
575-46		✓			
577-637		✓			
577-649		✓			
577-713		✓			
669-83 RES		✓			
753-36 PC74s		✓			

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Date: 7/20/05

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Docket No.	Attn'y	File Drawer	Typing Table	Attn'y Office	Return To
102-467 EPO / AUSTRIA	(CL)	—		✓	
117-16		✓			
128-12 PCT UK		✓			
136-25 PCT SINGAPORE		✓			
178-134 EPO / U.K.		✓			
178-312 PCT US	(AS) (LB)	—		✓	
178-315 PCT NEW ZEALAND		✓			
178-333		✓			
294-152 PCT US	STZ	✓			
407-14 CIP / PCT / CANADA		✓			
512-109		✓			
638-9 CIP		✓			
717-797 CON		✓			
717-797 CHINA	(CSL)	—		✓	
717-1069	AT&D	✓			
902-5		✓			
903-125 PCT US		✓			
965-2		✓			
1001-59 CIP / PCT / EPO		✓			
1100-93 EPO / FRANCE		✓			
1100-93 EPO / GERMANY		✓			
1100-93 EPO / U.K.		✓			

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POSTCARDS  
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Date: 7/22/05

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Docket No	Attn'y	File Drawer	Typing Table	Attn'y Office	Return To
106-41		—			
136-27 PCT/AUSTRALIA		—			
136-27 CIPTI/PCT/AUSTRALIA		✓			
178-134 EPO/GERMANY		✓			
178-134 EPO/IRELAND		—			
178-149 CIP		✓			
178-246 PCT/EPO/ITALY		✓			
178-263 PCT/CANADA		✓			
182-90 PCT/HK		✓			
294-68		✓			
334-204	572	—			
364-123 CIPTII/PCT/CANADA		✓			
442-197	(AEB)	—		—	
570-28		✓			
577-700		✓			
717-4 FWC		✓			
717-961	(AEB)	✓	-		
717-1031		X			
812-2 PCT/CANADA		✓			
874-4		✓			
964-3 COSTA RICA	(AEB)	✓	✓		
965-2 DIV		✓			

## **INCOMING MAIL**

Date: 21/22/05

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PATENT  
INCOMING MAIL

Date: 7/25/05

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Docket No.	Attn'y	File Drawer	Typing Table	Attn'y Office	Return To
102-471	NT	/			
119-29		/			
182-95 PCT/US/RCE/CN		/			
294-103 PCT/US		/			
294-166		/			
442-232	STZ	/			
442-233	STZ	/			
442-234	STZ	/			
498-273	AKT	-		/	
512-101		/			
577-749P		/			
717-663		/			
1093-43 PCT/US		/			
1093-98 PCT/US		/			
1093-109 PCT/US	BED	/			
1275-3		/			
1275-17		/			
1387-10 PCT/US	(x2)	NT	/		
1409-2 RCE/CN		NT	/		
1454-2			/		
1475-2			/		
1484-2			/		

Patterson

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Date: 7/27/11

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Docket No	Attn'y	File Drawer	Typing Table	Attn'y Office	Return To
163-53	STZ	✓			
117-16	RGS	✓			
136-23 EPO/Spanish		✓			
136-27 PCT/EP/Denmark		✓			
178-118 EPO/Sweden		✓			
178-134 EPO/Denmark	INVOICE	—	—	—	—
178-218 PCT/Canada	MSB (JAN)	—	—	—	
178-223 PCT/EP/DO		✓			
178-245 PCT/EP/DO		✓			
294-218		✓			
294-219 PCT/US		✓			
316-5 Canada	ATK	—		—	
442-165 RCE		✓			
442-203 PCT/US/RCE	MICHALIS (T)	—	✓		
454-15 PCT/EP/DO		✓			
454-16 PCT/EP/DO		✓			
498-273 AT		✓	✓		
577-471 PCT/Spain		✓			
577-568 Canada	AOB (LB)	—		✓	
577-667 Canada		✓			
577-717 Canada	(LB)	—			
579-15		—			

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Docket No.	Attn'y	FILE Drawer	Typing Table	Attn'y Office	Return To
612-10		✓			
715-16		+			
717-294 CIP/Cards		✓			
717-606 DES/Taiwan		✓			
717-1066	(ATK)	—		—	
955-13 PCT/EDD		✓			
1001-21 PCT/Cards		✓			
1001-59 CIP/PCT/EDD	(CSL)	—		—	
1134-4 El Salvador		✓			
1421-19 PCT (Co 2)		✓			
1421-23 PCT (Co 2)		✓			
1537-2	(RST)	—		—	
178-223 PCT/EP/ BELGIUM		✓			
178-223 PCT/EP/ DENMARK		✓			
178-223 PCT/EP/ FRANCE		✓			
178-223 PCT/EP/ GREECE		✓			
178-223 PCT/EP/ SPAIN		✓			
178-223 PCT/EP/ SWITZERLAND		✓			
294-222 PCT/US	(SBLAN)	—		—	
408-7 BENELUX	(GTA)	—		—	
1336-47 DIV		—			

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Date: 7/25/05

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~~1100-93 UNWIND (SIN/AM)~~ DUE 8/24 (635)

~~577-678A (RKG) P/F priority expires (R718)~~  
~~577-687P (SGA) " error (1750)~~

~~717-961 CPT (RH/AES) One month ~~2005 see below~~ (1172)~~

~~819-861 CPT (RH/AES) one month (1172)~~  
~~650-2 (RPM) P/f fee due by 10/14. Adjud ct 3/4, 8/31 dkt to 10/14 (0001)~~

~~659-207 (TM) SMT & USG due dkt to 2/14 (0346)~~

~~+199-48P (DAS/CIV) Draft claims were due 8/14 dkt to 10/14 (0094)~~

~~7448-11 (RIB/SC) Resp to NM SA due 9/13 (0010)~~

~~1336-17 DIV (ATK) F/F deadline (7/14) - N/A (0003)~~  
~~what a (DAS/MSB/RCM) Deadline is 10/14 to oppose dkt to 10/14 (0001)~~

~~104-3 UK (RH/OTH) Ann. due 8/11 ab after the per RCM (0005)~~

~~512-81 (RBM/RCM) Checks to be follow up on file to A. Powell (RH) (0351)~~

~~136-34 C/P/PAI (CIV/RCM/SAS) Resp due 8/30 (0152)~~

~~14-7546-6 (RBM/SC) one month (TM) (0005)~~

~~14-1540-5 (RJB/JFH) " (TM) (0004)~~

~~14-1540-7 (RJB/JFH) " (TM) (0006)~~

~~14-1726 (RBM/RCM) Monitoring US Pub # 2004/02/17 743 to Wright more weekly (0001)~~

~~14-760-11 (RBM/RCM) Resp due 10/14 dkt to 10/14 (0468)~~

~~14-1540-6 (RBM/RCM) Work status monitoring lit more weekly dkt to 9/14 (0789)~~

~~177-622 CPO (STA/OTH/STZ) Inv. dep. due 6/20 (1936)~~

~~14-10585 (RH/KEM) Adjud ct N/A (8/16) dkt to 9/14 (0106)~~

~~177-622 CPO (STA/OTH/STZ) Resp due re. appt 6/10 (1932)~~

~~1760-12A PC/PAI (RBM/RCM) PA due 9/12 (0692)~~

~~1760-25 PC/PAI (RBM/RCM) IDS due 9/12 (0030)~~

~~17201-23 CIV (SA) File am case today - If paid f/f 9/12 w/IDS (0139)~~

~~14-1540-148 (RBM/RCM) one month (TM) (0135)~~

~~90381 PC/PAI (SAS/ISS) Resp to final OA due 4/5, 6 dkt to 10/14, RCE (0150) (0086)~~

~~171478 CPO (SAS/ISS) " 9/14 dkt to 10/14 (1629)~~

~~1260-4P (SAS/ISS) Ct wants draft pat app by today dkt to 10/14 (0003)~~

~~291479 DIV (RBM/SC) Resp to OA due 4/5, 6 dkt to 10/14 (0228)~~

~~10068 (DAS/RCM) " 9/14 (0012)~~

~~103-114 PC/PAI (SAS/ISS) " dkt to 10/14 (0120)~~

~~177938 DCS (RH/PAI) f/f due 21/8/12 (1163)~~

~~1714667 (RBM/RCM) IDS due 10/14 dkt to 10/14 (E798)~~

~~14-1726-125 (RBM/RCM) f/f due 10/14 dkt to 10/14 (1074)~~

~~14-1726-225 (RBM/RCM) " " (0960)~~

~~1040-55 (RBM/PAI) Resp to N file missing parts due dkt to 10/14 (0064)~~

~~100100 PC/PAI (DAS/AMW) Resp to final OA due under 2 mo RCE (f/f/appet) dkt to 10/14 (0397) ATA-GIANCE~~

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